

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

NOE RODINA-POBLETE,
Petitioner.

v.

No. 98-2534

U.S. IMMIGRATION & NATURALIZATION
SERVICE,
Respondent.

On Petition for Review of an Order
of the Board of Immigration Appeals.
(A70-484-466)

Submitted: April 20, 1999

Decided: May 5, 1999

Before MURNAGHAN and KING, Circuit Judges, and
BUTZNER, Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

COUNSEL

Arnedo S. Valera, Mark S. Loria, VALERA & ASSOCIATES, Falls
Church, Virginia, for Petitioner. Frank W. Hunger, Assistant Attorney
General, Terri J. Scadron, Senior Litigation Counsel, John D. Wil-
liams, Office of Immigration Litigation, UNITED STATES
DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Noe Rodina-Poblete petitions for review of a final order of the Board of Immigration Appeals (Board) denying his application for suspension of deportation and his application for asylum and withholding of deportation. Rodina-Poblete first contends that the Board abused its discretion in denying him relief in the form of suspension of deportation when it determined that he failed to demonstrate extreme hardship. Under § 309(c)(4)(E) of the Illegal Immigration Reform Immigrant Responsibility Act of 1996 (IIRIRA), Pub. L. No. 104-128, 110 Stat. 3009, we lack jurisdiction to review the Board's discretionary decision to deny relief. See Kalaw v. INS, 133 F.3d 1147, 1152 (9th Cir. 1997).

Rodina-Poblete next takes issue with the Board's finding that he failed to demonstrate a well-founded fear of persecution and thus qualify for asylum and withholding of deportation. After a thorough review of the record, we conclude substantial evidence supports the Board's finding that Rodina-Poblete lacks an objective basis to fear persecution in the Philippines today. See 8 U.S.C. § 1105a(a)(4) (1994); *INS v. Cardoza-Fonseca, 480 U.S. 421, 430 (1987); Huaman-Cornelio v. Board of Immigration Appeals, 979 F.2d 995, 999 (4th Cir.1992). We accordingly affirm the Board's order. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

*We note that 8 U.S.C. § 1105a(a)(4) was repealed by the IIRIRA effective April 1, 1997. Because this case was in transition at the time the IIRIRA was passed, 8 U.S.C. § 1105a(a)(4) is still applicable under the terms of the transitional rules contained in § 309(c) of the IIRIRA.

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